THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 39 of 2006

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DATED: 03.01.2005

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Between:

Smt. G. Sujatha

… PETITIONER

AND

The Joint Collector,

Prakasam District, Ongole & others.

… RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 39 of 2006

ORDER:-

This writ petition is filed to declare the action of the RDO, Ongole in proceedings, dated 05.10.2005 suspending the authorization of the petitioner as F.P. Shop dealer of Yanamadala Village, Yaddanapudi Mandal, Prakasam District, as illegal, arbitrary and violation of Articles 14, 19(1)(g) and 21 of the Constitution of India and Clause 5(4) of A.P. State PDS Control Order, 2001 and to set aside the same.

Heard the learned counsel for the petitioner and the learned Government Pleader.

The petitioner is a fair price shop dealer of Yanamadala Village of Yaddanapudi Mandal, Prakasam District. Her dealership was suspended by an order, dated 05.10.2005. Simultaneously, a show cause notice, dated 05.10.2005 was issued to her as to why her dealership shall not be cancelled and asking her to submit explanation within seven days from the date of show cause notice.

It is stated that the petitioner submitted her explanation on 10.10.2005, but the authorization of the petitioner's fair price shop was suspended on the ground that the report filed by the MRO under Section 6A of the Essential Commodities Act before the Joint Collector, is pending. It is stated that as per the said report petitioner said to have been committed certain irregularities in distributing the essential commodities to the cardholders and therefore, the MRO seized certain stocks, and filed 6A proceedings.

I am not inclined to express any opinion on the merits of the case as proceedings under Section 6A of the Act are pending before the Joint Collector and that it is only a suspension order made pending disciplinary proceedings. It is stated that the petitioner has got a right of appeal against the impugned order and that the petitioner has rightly availed the same by way of filing an appeal on 13.10.2005 along with the application for grant of stay.

It is stated that the Joint Collector, Prakasam District was transferred and therefore, the stay application could not be considered so far. In such circumstances, I am of the opinion that even there is transfer of Joint Collector, there must be some officer

In-charge.

Having regard to the facts and circumstances of the case, the 1st respondent is directed to consider and dispose of the stay application, within two weeks from the date of receipt of a copy of this order and thereafter the appeal itself should be disposed of after giving reasonable opportunity to the petitioner in accordance with law. Irrespective of pendency of the appeal against the suspension order, the RDO is also directed to consider and dispose of the disciplinary proceedings as expeditiously as possible.

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03.01.2006

Note:- Issue CC in three days.

B/o.

ES